L-7-6 P/2 (1) AEN (4)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

WRIT PETITION NO. 3434 /2006 SINGLE BENCH

PETITIONER L.R. Chandrakar, S/o. Late Shri P.N. Chandrakar, Aged about 58 years, Occupation – Service, Presently working as Asst. Engineer, Water Resource Department, Sub Division-Bhatgaon., District Raipur (C.G.).

V E R S U S

RESPONDENTS

1. State of Chhattisgarh, Through its Secretary, Department of Water Resource, Mantralaya, D.K.S. Bhawan, Raipur (Chhattisgarh)

2. Deputy Secretary, Department of Water Resource, Mantralaya, D.K.S. Bhawan, Raipur (Chhattisgarh)

3 Chief Engineer, Water Resource Department, Raipur District-Raipur (C.G.)

P.R. No. 3502/06
Presented by Shri Rajesh Dubey
dated 11/7/06

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN THE NATURE OF MANDAMUS, CERTIORARI, PROHIBITION AND FOR OTHER SUITABLE WRIT OR WRITS, ORDER OR ORDERS, DIRECTION OR DIRECTIONS.

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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मामला क्रमांक ...W.P. No. 3434/06... **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	13.7.2006 Heard Shri Ashish Shrivastava, Adv. for the petitioner. Shri Sumesh Bajaj, Govt. Adv. for the State on advance copy. By the instant petition the petitioner has challenged the transfer order dated 4.7.2006 (Annexure P-1) whereby the petitioner has been transferred from Bhatgaon, District Raipur to Kharsiya, District Raigarh. The challenge is primarily on the ground that the petitioner is 58 years old and he has been transferred within a short span of period i.e. within 9 months. Moreover, the petitioner's wife is heart patient and she is taking treatment at Raipur, as such, this transfer order is bad, punitive and against the transfer policy. It is held in many cases that the transfer policy is not a statutory rules and therefore, the same is not legally enforceable. As far as other grounds are concerned, learned counsel for the petitioner argued that the petitioner may be allowed to make a detailed representation brining all these facts to the knowledge of concerned authority for their consideration, to which learned Government Advocate for the State has no objection. The prayer made by learned counsel for the petitioner appears to be just, fair and reasonable, therefore, without expressing any opinion on the merits of case, the petitioner is allowed to make a detailed representation along with copy of this petition raising all his grievances to respondent No.1 within ten days from today and in turn respondent No.1 is directed to decide the representation of the petitioner in accordance with the law and pass appropriate orders within a period of 30 days from the date of receipt of representation. With the direction aforesaid, the petition stands disposed of. Consequently, M.(W.)P. No.2636/06 also stand disposed of. Certified copy as per rules. **Sd/-** **L.C. Bhadoo**	

P.T.O.

21.7.06 Ekal 18.7.06